

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)
)
 v.) Case No. 3:16-CR-081 JD
) 3:16-CR-093 JD
GREGORY BROWN)

OPINION AND ORDER

Defendant Gregory Brown has pled guilty to Count 1 of the Superseding Indictment in case 3:16-CR-81 for conspiring to distribute over 100 grams of heroin and to Count 1 of the Indictment in case 3:16-CR-93 for committing wire fraud. In response to the most recent presentence investigation report [DE 388],¹ the defense objected to over twenty paragraphs which are detailed in various documents [DE 367; DE 389; DE 389-4]. Since then, the defense has filed a notice indicating that it withdraws its objections to the guideline calculations [DE 413]. In addition, the parties now agree that a two level reduction for acceptance of responsibility is appropriate [DE 413; DE 417; DE 418]. As a result, the parties agree that the appropriate adjusted offense level is 36, and that combined with Mr. Brown's criminal history category of III, the applicable guideline range is 235-293 months' imprisonment.

While the parties agree on the guideline calculations, it remains somewhat unclear whether the defense maintains any of its prior objections to the various PSR paragraphs which detail the offense conduct. Thus, defense counsel is ORDERED to file on or before December 13, 2017, a notice indicating whether *any* objections remain to the PSR [DE 388], along with a concise statement identifying the paragraph and basis for any such remaining objection.

¹ The original presentence investigation report [DE 235] was rendered moot after the Court granted [DE 305] Mr. Brown's motion to withdraw his first plea agreement, and Mr. Brown entered into a new plea agreement [DE 316].

SO ORDERED.

ENTERED: December 8, 2017

/s/ JON E. DEGILIO
Judge
United States District Court